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3-23-05

Jeffrey R. Kuester

In Re Application of:

Bezner, et al.

Serial No.: 09/961,411

Filed: September 25, 2001

Confirmation No.: 6935

Group Art Unit: 2645

Examiner: Elahee, Md S

Docket No.: 190252-1670

For: **On-Demand Call Retermination**

The following is a list of documents enclosed:

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Comments on Reasons for Allowance

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## PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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### **COMMENTS ON STATEMENT OF REASONS FOR ALLOWANCE**

Mail Stop Issue Fee  
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Sir:

The Examiner has made statements in the Statement of Reasons for Allowance that may be viewed as an oversimplification of the examination issues, and if taken out of context, could give rise to an improper interpretation of the claims as well as the file history. For these reasons, Applicant provides the following comments to ensure proper interpretation of the claims and history.

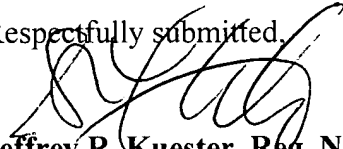
First, the amendments entered by the Examiner in connection with the instant application were made to clarify the subject matter as to matters of form, were not made to overcome prior art, and were not related to the statutory requirements associated with patentability.

Second, while Applicants agree with the Examiner that claims 1-33 are allowable, there are additional reasons why these claims are allowable over the cited art of record. In addition, Applicants do not admit the accuracy of the characterization of the cited references with regard to the claimed elements. Furthermore, Applicants do not agree with the statements that the prior art includes all elements of the claims other than the identified elements.

Third, in accordance with 35 U.S.C. Section 282: "Each claim of a patent (whether in independent, dependent, or multiple dependent form) shall be presumed valid independently of the validity of other claims; dependent or multiple dependent claims shall be presumed valid even though dependent upon an invalid claim." Thus, the dependent claims that were not addressed by the Examiner in the reasons for allowance should not rise or fall, when construed in terms of validity, with their respective independent claims, but instead should be construed independently of their respective independent claims.

Fourth, the scope and validity of each claim (whether in independent, dependent, or multiple dependent form) should be determined based upon the entire combination of elements/features/steps in each claim, as opposed to only the particular feature or features pointed out by the Examiner.

Respectfully submitted,

  
**Jeffrey R. Kuester, Reg. No. 34,367**  
Attorney for Applicant

Date: 3-23-05

Docket: **190252-1670**

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